

Before the Federal Communications Commission  
Washington, D.C. 20554

October 16, 2003

Research In Motion Limited  
295 Phillip Street  
Waterloo, Ontario N2L 3W8

Re: WT Docket No. 01-309/RM-8658

Petition for Reconsideration

Dear Sir or Madam:

Research In Motion Limited ("RIM") respectfully requests that the Federal Communications Commission ("Commission") reconsider and clarify that the *de minimis exception* of the new rules on Hearing Aid-Compatible Mobile Handsets is meant to apply on a per - air interface basis. The rules relate to the Hearing Aid Compatibility Act of 1988 ("HAC Act"), and are detailed in the Report and Order in the Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones.

RIM is firmly committed to goals of access to telecommunications services for individuals with hearing disabilities. Indeed, RIM products are used extensively in the deaf community for wireless messaging applications. With the recent addition of voice capability to our handheld products, we now welcome the opportunity to address the communication needs of the entire hearing disabled community.

The new provision requires manufacturers to offer within two years at least two handset models for each air interface that comply with section 20.19(b)(1). A *de minimis exception* applies if a manufacturer offers two or fewer digital handsets in the U.S. We have learned from Commission staff that the *de minimis* calculation takes into account all handsets offered by a manufacturer across all air interfaces. This interpretation of the order, we submit, will produce undesirable outcomes and disadvantage certain manufacturers.

RIM, for example, currently offers only one BlackBerry Wireless Handheld for each of the iDEN and CDMA air interfaces. We offer seven models of BlackBerry Wireless Handheld for the GSM/GPRS air interface. As currently written and interpreted, RIM would not qualify for the *de minimis* exemption because we produce nine devices in total.

RIM would therefore be required by the order to supply, within two years, two compliant devices for the GSM/GPRS air interface<sup>1</sup>. This is a reasonable requirement given that RIM currently provides five models in total for this air interface.

However, RIM would also be required to provide at least two compliant handsets for each of CDMA and iDEN. This is not a reasonable requirement as it would increase the number of BlackBerry models for each of these air interfaces from one to three. Further, in the aggregate, the total number of BlackBerry models in the US market grow by two-thirds from nine to fifteen. This would be a very large burden indeed.

RIM also notes that the Order does not explicitly take into account the possibility of a new air interface, such as UMTS, becoming commercially available. As written, the Order would seem to require all suppliers of handsets, large and small, to enter the new market with two compliant models or none at all. This would clearly discourage market entry thus retarding technological progress and limiting competition.

Frankly, RIM does not believe that it was the Commission's intent to complicate matters for manufacturers who are committed to serving the needs of persons with hearing disabilities within the broader marketplace. There is a very simple solution available: RIM respectfully requests that the Commission reconsider and clarify that the *de minimis* exception is to be applied on an air interface by air interface basis.

Thank you for your consideration of this petition.

Sincerely,

R.E. Crow

Robert E. Crow  
Director, Government and University Relations  
Research In Motion Limited

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<sup>1</sup> Notwithstanding the wording of the Section 69, Commission staff have advised that RIM would be required to produce only one compliant device in each interface given a non-compliant base of one device in each interface. RIM can find nothing to this effect in the Order and cites this advice as further evidence of a need for clarification of the *de minimis* exception.